

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CAROL MARMO, et al.,)	CASE NO. 8:00CV527
)	
Plaintiffs,)	
)	
vs.)	ORDER
)	
TYSON FRESH MEATS, INC.,)	
f/k/a IBP, Inc.,)	
)	
Defendant.)	

Recognizing that the issue has been partially briefed by IBP, Inc., and cognizant that the final judgment has been entered and the matter is on appeal to the Eighth Circuit Court of Appeals, so there is need for a timely resolution of the pending motion for costs and fees, the Court invites the parties to submit briefs on the following issue:

Whether a court should apportion costs between cases that had been consolidated for all pretrial proceedings, but not for trial, and, if so, then by what measure.

IT IS ORDERED:

The parties may submit briefs, not to exceed five pages in length, on the above issue on or before Monday, May 16, 2005.

DATED this 9th day of May, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge